THE CRIMINAL BAR ASSOCIATION

GOVERNANCE PAPER

Code of Conduct

Made under clause 12.6 of the Constitution

1. Purpose and Application

1.1 This Code of Conduct ("the Code") is published by the Criminal Bar Association ("the Association") under clause 12.6 of the Constitution. It sets out the standards of behaviour which members, Officers, employees, contractors, Subcommittee members and any other person acting on behalf of the Association are expected to observe when acting in that capacity or attending events of the Association.

1.2 The Code applies to:

(a) all conduct undertaken in the name of, on behalf of, or whilst representing the Association;

(b) all conduct at meetings, events and gatherings of the Association, whether in person or by electronic means;

(c) all conduct on the digital systems and communications channels of the Association;

(d) public conduct (including on social media) which materially affects the Association or its standing.

1.3 The Code operates alongside, and does not replace, the obligations of barristers under the Bar Standards Board Handbook and the rules of the Inns of Court. Nothing in the Code purports to assume regulatory functions reserved to the Bar Standards Board.

2. Standards of Conduct

2.1 Those to whom the Code applies shall:

(a) conduct themselves at all times with the dignity, courtesy and professionalism expected of members of the Bar;

(b) treat fellow members, Officers, staff, contractors and members of the public with respect;

(c) listen to and engage fairly with views with which they disagree;

(d) avoid language and behaviour which is aggressive, abusive, intimidating, demeaning, harassing or discriminatory;

(e) maintain appropriate confidentiality in respect of the affairs of the Association and its members;

(f) declare and avoid acting upon conflicts of interest in accordance with Part 12 of the Constitution and the Conflicts of Interest provisions of the Complaints, Conduct and Behaviour Policy;

(g) use the Association's name, identity, branding and communications channels only with proper authority and for proper purposes;

(h) comply with the lawful and reasonable instructions of the Officers in respect of the conduct of the Association's business.

3. Equality, Diversity and Inclusion

3.1 The Association is committed to equality, diversity and inclusion. The Code prohibits any conduct which constitutes discrimination, harassment or victimisation on the basis of any protected characteristic within the meaning of the Equality Act 2010, including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

3.2 Those to whom the Code applies shall act in a manner consistent with the objects of the Association at clauses 1.6(g) and 1.6(h) of the Constitution and shall support, in word and conduct, an inclusive professional environment within the criminal Bar.

4. Bullying, Harassment and Sexual Misconduct

4.1 Bullying, harassment and sexual misconduct are not tolerated by the Association. Without limiting the generality of clause 2.1(d), the following behaviours are prohibited:

(a) unwanted physical contact;

(b) sexual comments, jokes, gestures or advances;

(c) persistent or unwelcome attention which causes alarm, distress or humiliation;

(d) verbal or written abuse, including in private messages and on social media;

(e) threats, intimidation, or the use of position or seniority to coerce or pressure another person;

(f) humiliating, denigrating or excluding behaviour, whether in public or in private.

4.2 A complaint that conduct of a kind described in this section has occurred shall be dealt with under the Complaints, Conduct and Behaviour Policy.

5. Communications and Social Media

5.1 The Code applies to conduct on social media platforms (including but not limited to platforms presently known as X, LinkedIn, Bluesky, Threads, Instagram and Facebook), to messaging services (including WhatsApp groups associated with the Association), to email and to any other digital communication.

5.2 Members and Officers shall not, on social media or in other public communications:

(a) misrepresent themselves as speaking for the Association unless properly authorised to do so;

(b) engage in conduct which would breach this Code if it occurred in person;

(c) publish material relating to the Association's confidential business.

5.3 Public communications made in the name of the Association are governed by the Communications Policy and require the approval prescribed in that Policy.

6. Confidentiality

6.1 Those to whom the Code applies shall maintain appropriate confidentiality in respect of:

(a) the deliberations of the Executive Committee, Subcommittees and Working Groups;

(b) the personal and financial circumstances of any member, complainant, applicant or witness;

(c) communications between Officers, members and contractors of the Association which are confidential in nature;

(d) documents and material marked or reasonably understood to be confidential.

6.2 Confidentiality obligations continue after the cessation of office, membership or engagement.

7. Use of the Association's Identity

7.1 No member, Officer or other person shall use the Association's name, logo, branding, mailing lists, communications channels or membership data for any purpose other than the legitimate business of the Association.

7.2 In particular, the Association's identity and channels shall not be used:

(a) to promote any individual's candidacy in any election (governed by Part 11 of the Election Procedures);

(b) to promote any commercial venture without the express prior approval of the Officers;

(c) in support of any political party or political campaign.

8. Compliance and Consequences

8.1 Concerns that the Code may have been breached shall be raised in accordance with the Complaints, Conduct and Behaviour Policy.

8.2 A breach of the Code may, depending on its gravity, lead to one or more of the following outcomes:

(a) an informal expression of concern or guidance;

(b) a formal warning;

(c) restrictions on participation in the Association's activities;

(d) removal from a Subcommittee, Working Group or office held in the Association;

(e) termination of membership under clauses 3.12 and 3.13 of the Constitution;

(f) referral to the Bar Standards Board, the Inn of Court, or other appropriate body, where the conduct may engage their jurisdiction.

8.3 The Association expressly reserves the right to refer matters to the Bar Standards Board where, in the view of the Officers, the conduct in question is properly the subject of regulatory consideration. Such a referral may be made notwithstanding any internal proceedings.

9. Relationship with the Bar Standards Board

9.1 Nothing in this Code:

(a) displaces the obligations of barristers under the Bar Standards Board Handbook;

(b) limits the Bar Standards Board's jurisdiction over the professional conduct of barristers;

(c) creates rights or remedies for members in respect of professional misconduct independent of the Bar Standards Board's processes.

10. Review

10.1 This Code shall be reviewed by the Executive Committee not less frequently than every three years, or sooner if circumstances require.

10.2 Amendments shall be approved by the Executive Committee by a simple majority of those present and voting.